

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

GERONIMO REGALADO,

Plaintiff,

v.

No. 09-CV-502-WJ-WDS

DRB ELECTRIC, INC.,


Defendant.

MEMORANDUM OPINION AND ORDER STRIKING
MOTION FOR SUMMARY JUDGMENT

THIS MATTER comes before the Court on Defendant's Motion for Summary Judgment (Doc. 31). The motion will be stricken for failure to adhere to the scheduling deadlines imposed in this case by the magistrate judge. The initial scheduling order in this case fixed the deadline for filing pretrial motions, except for discovery-related motions, as July 22, 2010 (Doc. 12). In this order, counsel were warned that "Any pretrial motions, other than discovery motions, filed after the above dates shall, in the discretion of the Court, be considered untimely." Doc. 12 at 2. On August 18, 2010, DRB Electric filed a pleading acknowledging that the pretrial motion deadline had expired, and therein moved the Court to extend all scheduling deadlines for ninety (90) days (Doc. 23). The Court granted the motion in part and extended all scheduling deadlines for sixty (60) days. Therefore, the pretrial motion deadline expired on September 20, 2010. DRB Electric nonetheless filed the instant motion on April 19, 2011, some 211 days after the already-extended deadline expired, without showing good cause for the delay and without moving the Court to further extend the pretrial motion deadline.

Because it was filed out of time, Defendant's Motion for Summary Judgment (Doc. 31) is hereby STRICKEN.

SO ORDERED.



UNITED STATES DISTRICT JUDGE